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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,716	12/27/2001	Anthony L. Fontaine	10407/559	8636

30076 7590 01/22/2004

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EXAMINER

BAYAT, BRADLEY B

ART UNIT PAPER NUMBER

3621

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/033,716

Applicant(s)

FONTAINE ET AL.

Examiner

Bradley Bayat

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-76 are presented for examination.

#### ***Priority***

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

This application is claiming the benefit of a prior filed nonprovisional application under 35 U.S.C. 120, 121, or 365(c). Copendency between the current application and the prior application is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-9, 11-21, 23-24, 26-41, 43-56, 58-68, and 70-76 are rejected under 35 U.S.C. 102(e) as being anticipated by Paravia et al. (hereinafter Paravia), U.S. Patent 6,508,710 B1.**

As per the following claim(s), Paravia discloses:

1. A system for enabling remote access to an application server, upon authentication of a location from which a user has sought access as an authorized location, for enabling processing of a transaction requiring user location authentication, wherein the user location includes means for enabling the user to request remote access to the application server, the system comprising:

- an access server, for receiving and processing a request for access to the application server from a user request enabling means, the server adapted to be located remote from the user's location (column 3, lines 23-25; figure 2 and associated text);
- an authenticator for authenticating the location of the user responsive to receipt of a processed request from the access server, the authenticator adapted to be connected to the access server; and means for interconnecting the access server and the authenticator (figure 2 and associated text).

2. The system of claim 1, wherein the authenticator comprises an authenticating server (figure 2 and associated text).

3. The system of claim 1, wherein the authenticator includes means for determining the identity of the user (figure 2 and associated text).

4. The system of claim 1, further comprising means for insuring the user's presence at the location (figure 12 and associated text).

5, 44. The system of claim 1, further comprising means for enabling the user to request remote access to the application server (column 7, lines 5-17).

6. The system of claim 1, wherein the interconnecting means comprise a network (column 7, lines 18-26).

7, 45. The system of claim 2, wherein the authenticating server includes a database of authorized locations, for enabling verification of the location of the user as an authorized user location (figure 15 and associated text)

8. The system of claim 2, wherein the authenticating server comprises a Remote Access Dial-In User Service (RADIUS) server (column 18, lines 34-53).

9, 36. The system of claim 3, wherein the user identity determining means comprise a challenge and response system (figure 2 and associated text).

11. The system of claim 5, wherein the user request enabling means comprise an interface station (figure 1 and associated text; column 6, lines 38-40).

12. The system of claim 5, wherein the user request enabling means comprise a client (figure 1).

13. The system of claim 5, wherein the user request enabling means include a location identifier (figure 11).

14, 37. The system of claim 5, wherein the authenticating means are adapted to issue a security challenge to the user request enabling means, and the user request enabling means are further adapted to interrogate the security challenge, to generate a response, and to transmit the response to the authenticator (column 7, lines 26-36).

15, 46. The system of claim 5, wherein the user request enabling means include an identifier associated with the user's location, and the authenticator comprises means for authenticating the identifier associated with the user's location (column 7, lines 37-46).

16. The system of claim 5, wherein the user request enabling means include a dialer, located at the user's location, and wherein the dialer includes a number associated therewith (column 3, lines 40-46).

17, 47. The system of claim 5, wherein the user request enabling means comprise a plurality of user request enabling means, and the interconnecting means comprise a network comprising an intranet which includes at least one local area network, adapted to interconnect at least one of the plurality of user request enabling means and the access server (columns 4-6).

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18. The system of claim 5, wherein the interconnecting means are further adapted to interconnect the user request enabling means (figure 11 and associated text).

19. The system of claim 6, wherein the network comprises an intranet (column 23, line 66 – column 24, line 7).

20. The system of claim 6, wherein the network comprises the Internet (column 23, lines 19-30).

21, 38. The system of claim 8, further comprising means for enabling the user to request remote access to the application server, wherein the authenticating server is further adapted to issue a security challenge to the user request enabling means (figure 2).

23, 31. The system of claim 16, wherein the authenticator comprises a number identifier for identifying the number associated with the dialer located at the user's location (column 3).

24, 32. The system of claim 16, wherein a dialing system includes a plurality of numbers each associated with one of a plurality of dialers adapted to enable dialing therefrom and each dialer associated with a different user location, and the authenticator further comprises means for identifying the first number dialed from in the dialing system (column 3, lines 10-55).

26, 39. The system of claim 21, wherein the user request enabling means are adapted to issue a response to the security challenge, and the authenticating means include a database for enabling verification of the response of the user request enabling means to the security challenge (figure 2 and associated text).

27, 33. The system of claim 23, wherein the number identifier comprises Automatic Number Identification (column 3, lines 10-21).

28, 34. The system of claim 24, wherein the first number identifying means comprises Dialed Number Identification Services (column 3, 10-55).

29, 40. The system of claim 26, wherein the authenticator is further adapted to verify the response of the user request enabling means to the security challenge based on the database in the authenticator, and to authorize access to the application server (column 7, lines 46-64).

30, 35. A system for enabling remote access to an application server, upon authentication of a location from which a user has sought access as an authorized location, for enabling processing of a transaction requiring user location authentication, wherein the user location includes means for enabling the user to request remote access to the application server, the system comprising:

- an access server, for receiving and processing a request for access to the application server from a user request enabling means, the server adapted to be located remote from the user's location (column 3, lines 23-25; figure 2 and associated text);
- an authenticator for authenticating the location of the user responsive to receipt of the processed request from the access server, the authenticator adapted to be connected to the access server, the authenticator including a Remote Access Dial-In Service (RADIUS) server (figure 2 and associated text; column 3);
- means for interconnecting the access server and the authenticator (column 4, line 40 – column 5, line 58); and
- means for enabling the user to request remote access to the application server, such means including a dialer, located at the user's location, wherein the dialer includes a dialing number associated therewith (column 3).

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41. A system for enabling remote access to an application server, upon authentication of a location from which a user has sought access as an authorized location, for enabling processing of a transaction requiring user location authentication, wherein the user location includes means for enabling the user to request remote access to the application server, the system comprising:

- an access server, for receiving and processing a request for access to the application server from a user request enabling means, the server adapted to be located remote from the user's location (column 3, lines 23-25; figure 2 and associated text);
- an authenticator for authenticating the location of the user responsive to receipt of the processed request from the access server (figure 2 and associated text; column 3);
- means for interconnecting the access server and the authenticator (column 4, line 40 – column 5, line 58); and
- means for insuring user's presence at the location (figures 11, 12; column 3).

43. A system for enabling remote access to an application server, upon authentication of a location from which a user has sought access as an authorized location, for enabling processing of a transaction requiring user location authentication, wherein the user location includes means for enabling the user to request remote access to the application server, the system comprising:

- an access server, for receiving and processing a request for access to the application server from a user request enabling means, the server adapted to be located remote from the user's location (column 3, lines 23-25; figure 2 and associated text);
- an authenticating server for authenticating the location of the user responsive to receipt of the processed request from the access server (figure 2 and associated text; column 3); and
- a network for interconnecting the access server and the authenticating server (column 6)



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48. A method of enabling remote access to an application server, upon authentication of a location from which a user has sought access thereto as an authorized location, for enabling processing of a transaction requiring user location authentication, wherein the user location includes means for enabling the user to request remote access to the application server, in a system which comprises an access server, for receiving and processing a request for access to the application server from user request enabling means, adapted to be located remote from the user's location, an authenticator for authenticating the location of the user responsive to receipt of the processed request from the access server, adapted to be connected to the access server, and means for interconnecting the access server and the authenticator, wherein the method comprises:

- requesting an access server to enable a user at a user's location to access the application server (figures 1, 2 and associated text)
- authenticating the location of the user in the authenticator (figure 2, 12 and associated text); and
- determining in the authenticator whether to enable the user to access the application server based on the authenticating of the user's location (figure 12 and associated text).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 10, 22, 25, 42, 57, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paravia et al. (hereinafter Paravia), U.S. Patent 6,508,710 B1.**

As per claims 10, 42, 57, Paravia et al. fail to explicitly disclose user presence insuring means comprise a card for identifying the user, and a reader for reading the user identifying card, adapted to be connected to the user access request enabling means at the user location.

Official notice is taken that a card/card reader identifying means for access to a system/server is old and well known in the computer art. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement Paravia et al.'s authentication and access means as an ID card/reader unit in order to identify and/or charge a customer's account.

As per claims 11, 22, 25 and 69, Paravia et al. fail to explicitly disclose that the user location identifier comprises a cookie.

Official notice is taken that a cookie is by definition a block of data that a server returns to a client in response to a request from the client and commonly used to identify a user and is thus old and well known in the computer art. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement Paravia et al.'s utilizing a cookie to determine a location of the user for access and geographic verification, as required for online gambling.

***Claims 49-76 are directed to a method of applicant's claimed invention and are therefore rejected as above with respect to each corresponding system claim.***

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent Application Publication 2002/0025851 A1 to Frankulin et al.
- US Patent Application Publication 2002/0188842 A1 to Willeby.

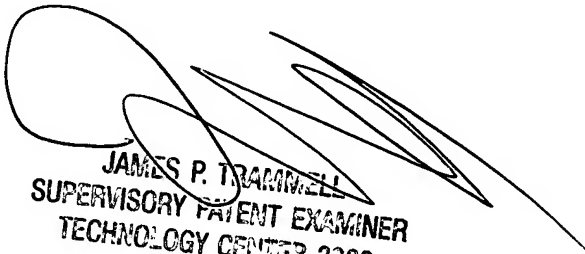
Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Bayat whose telephone number is 703-305-8548. The examiner can normally be reached on Tuesday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5484.

bbb  
January 11, 2004

  
JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3300